

Commodity Credit Corporation, USDA

§ 1479.3

AUTHORITY: Secs. 4 and 5 of the Commodity Credit Corporation Charter Act, as amended, 62 Stat. 1070, as amended, 1072 (15 U.S.C. 714b and 714c); sec. 103 of the Disaster Assistance Act of 1988, 102 Stat. 932 (7 U.S.C. 1471d *note*).

SOURCE: 53 FR 41309, Oct. 21, 1988, unless otherwise noted.

§ 1479.1 General statement.

The regulations in this part set forth the terms and conditions of the Forage Assistance Program (FAP) authorized by section 103 of the Disaster Assistance Act of 1988. Within specified limits, CCC is authorized to pay eligible persons 50 percent of the cost of reseeding established pasture damaged in 1988 due to 1988 drought or related conditions.

§ 1479.2 Administration.

(a) This part shall be administered by CCC under the general direction and supervision of the Executive Vice President, CCC. The program shall be carried out in the field by State and County Farm Service Agency (FSA) committees (State and county committees).

(b) State and county committees, and representatives and employees thereof, do not have the authority to modify or waive any of the provisions of the regulations in this part, as amended or supplemented.

(c) The State committee shall take any action required by this part which has not been taken by the county committee. The State committee shall also:

(1) Correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with this part; or

(2) Require a county committee to withhold taking any action which is not in accordance with this part.

(d) No delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, or a designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

§ 1479.3 Definitions.

(a) In determining the meaning of the provisions of this part, unless the con-

text indicates otherwise, words importing the singular include and apply to several persons and things, words importing the plural include the singular, words importing the masculine gender include the feminine, and words used in the present tense include the future as well as the present.

(b) The following terms contained in this part shall have the following meanings:

Approving Official means a representative of CCC who is authorized by the Executive Vice President, CCC, to approve an application for assistance made in accordance with this part.

FSA means the Farm Service Agency.

CCC means the Commodity Credit Corporation.

County means a county or similar geographic area as determined by CCC.

DASCO means Deputy Administrator or Acting Deputy Administrator, State and County Operations, FSA, U.S. Department of Agriculture.

Established pasture means land in permanent vegetative cover used exclusively for grazing by livestock.

Executive Vice President means the Executive Vice President of the Commodity Credit Corporation.

FAP Agreement means the cost-share agreement entered into by an eligible person and CCC pursuant to the provisions of this part.

Forage crop means a nonannual crop which is used for livestock for grazing.

Local FSA Office means with respect to:

(1) Individual pastures on a farm which has been assigned as FSA farm serial number, the county FSA office which serves such farm; or

(2) All other pastures, the county FSA office which serves the county in which the pasture is located.

Operator means a person who is in general control of the farming operations on the farm as determined by CCC.

Secretary means the Secretary of Agriculture.

State means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam.

State committee, State office, county committee, or county office means the respective ASC committee or FSA office.

(c) In the regulations in this part and in all instructions, terms, and documents in connection therewith, all other words and phrases specifically relating to FSA operations shall, unless the context of the subject matter otherwise requires, have the meanings assigned to them in the regulations governing reconstitution of farms, allotments, and bases in 7 CFR part 719.

§ 1479.4 Funding.

No more than \$50 million of CCC funds may be expended for the program. FAP assistance for which persons are otherwise eligible under this part may be adjusted, prorated, or reduced as the Executive Vice President deems appropriate to facilitate the equitable proration of funds for this purpose.

§ 1479.5 Eligible established pasture.

FAP cost-share assistance shall be available only for reseeding eligible established pasture. Such pasture shall be only established pasture which has been damaged in 1988 due to the 1988 drought or related 1988 conditions.

§ 1479.6 Eligible costs.

(a) FAP payments shall only be made with respect to 50 percent of costs incurred by an eligible person only for the cost of replanting a forage crop on the eligible established pasture. Such costs shall include only the cost of the seeds, planting, seedbed preparation, and nutrients needed to ensure successful plant survival, and labor, as based on standard labor rates as determined by the county committee, used to physically plant such seeds. Eligible costs specifically exclude items such as fencing, pesticides, irrigation, irrigation equipment, measures to protect seedlings from wildlife, and general land and pasture improvements.

(b) Eligible costs shall not include costs incurred for replanting a forage crop differing significantly from the forage crop constituting the qualifying loss, except as determined by CCC. If such substitution is approved, eligible costs shall, unless approved in written instructions issued by DASCO, be the lessor of:

(1) The actual costs incurred for the substituted forage crop; or

(2) The estimated costs which would have been incurred for the original forage crop.

(c) Eligible costs shall only include reasonable costs which have been incurred for which the eligible person has presented adequate documentation and, except as otherwise authorized by DASCO, shall not include costs for a practice or activity which has not been completed.

(d) The amount of payments which shall be made by CCC, subject to the availability of funds, shall not exceed 50 percent of the eligible costs as determined by CCC.

(e)(1) Notwithstanding the provisions of paragraph (b) of this section, an application for payment shall not be approved by the county committee without the written approval of the State committee if such payment would exceed \$100.00 per acre for the reseeded acres constituting the qualifying loss.

(2) The State committee may not, without the written approval of DASCO approve an application for payment if such payment would exceed \$150.00 per acre.

(f) FAP assistance may only be provided to eligible persons when:

(1) The forage crop will not regenerate naturally;

(2) Reseeding in the most cost-effective method to reestablish such crop; and

(3) Reseeding is not undertaken simply to improve the forage crop damaged by the drought.

(g) FAP cost-share assistance shall be available only if the request by an eligible person for assistance under this part is filed by May 15, 1989.

(h) All activities for which FAP assistance is requested shall be completed by the date specified in the FAP agreement.

[53 FR 41309, Oct. 21, 1988, and amended at 54 FR 965, Jan. 11, 1989]

§ 1479.7 Eligible person.

(a) A person shall be eligible for FAP assistance only if the person is an owner or operator of eligible established pasture.

(b) A person is an eligible person for FAP assistance only to the extent of eligible costs incurred by such person. A person shall be considered an eligible